United Nations CRC/C/SR.1951

Convention on the Rights of the Child

Distr.: General
27 January 2015

Original: English

Committee on the Rights of the Child
Sixty-eighth session

Summary record (partial)* of the 1951st (Chamber A) meeting**
Held at the Palais Wilson, Geneva, on Monday, 19 January 2015, at 3 p.m.

Chairperson: Ms. Sandberg

Contents

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Jamaica

* No summary record was prepared for the rest of the meeting.
** No summary records were issued for the 1947th to 1950th meetings.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-00752 (E) 220115 270115

1500752

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Jamaica (CRC/C/JAM/3-4; CRC/C/JAM/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Jamaica took places at the Committee table.*

2. **Ms. Hanna** (Jamaica), introducing her country's combined third and fourth periodic reports (CRC/C/JAM/3-4), said that children in Jamaica were raised in a culture of excellence and provided with opportunities to hone their skills in sport, culture and academia. Nevertheless, domestic abuse, peer pressure and parental neglect still prevented many children from realizing their full potential. In response to those challenges, the Government had intensified its efforts to improve access to education and protection against violence, giving due consideration to the Convention and the views of children in State care, schools and juvenile detention facilities.

3. In 2004, the Government had adopted the Child Care and Protection Act, which defined a child as any person under the age of 18 and set universal standards for the care and treatment of children. In order to address a number of topical issues, the Act had been comprehensively reviewed and recommendations for amendments had been put forward in a policy paper that was to be presented to the Cabinet. One such issue was corporal punishment, which was prohibited in all children's homes, early childhood institutions and prisons.

4. The Government had approved a proposal to eliminate the "uncontrollable behaviour" label ascribed to children who displayed extreme behavioural or mental health problems. Under the change, judges would no longer have the option to commit such children to juvenile detention centres. Therapeutic facilities were being built as an alternative to imprisonment and it was hoped that the first one would be completed by the end of 2015. The number of children in custodial care had fallen since 2014.

5. With regard to reducing the impact of violence, she said that children defined by Jamaican law as being "in need of care and protection" were placed in children's homes and all possible steps were taken to enforce provisions requiring that children in conflict with the law should be brought before a judge within 48 hours. Five police stations were being retrofitted with child-only holding areas as part of an initiative that could eventually be expanded to all of the country's 14 parishes.

6. Additional resources had been allocated to the unit tasked with ensuring the speedy and safe recovery of missing children. In 2014, just under 2,000 children had been reported missing, a 10 per cent decrease on the previous year. Approximately 90 per cent of those children had since returned home, thanks in part to the introduction of government measures.

7. A campaign entitled "Unite for Change" had been launched to encourage a coordinated approach to the prevention of violence, drawing the participation of more than 30 communities. Moreover, the Government had introduced an anti-bullying initiative, expanded the Safe School Programme and adopted the National Child Diversion Policy to keep child offenders out of the formal criminal justice system. Given that violence against children affected many areas of national life, government activities to combat the offence had been consolidated under the National Plan of Action for an Integrated Response to Children and Violence 2012–2017, which served as a comprehensive instrument for the protection of children as victims, perpetrators and witnesses of violence in all forms.

8. In 2012, the Government had approved the National Parenting Support Policy to strengthen parental practices and enhance national support services. It had also adopted a policy to ensure that girls were not denied opportunities for empowerment and self-sufficiency, thus minimizing the risk of their falling victim to trafficking, prostitution or sexual abuse, and work was well under way to increase the capacity of facilities for girls who had turned 18 and left the child protection system.

9. In addition to the numerous agencies, commissions and registries operating within the institutional framework to support children in Jamaica, an interministerial committee had been established in 2012 to harmonize national policies and decision-making with the provisions of the Convention. Children affected by violence were treated through an extensive network of primary and secondary health-care facilities, including hospitals, where a system had been put in place to gather data on violence-related injuries. Once their urgent physical needs had been attended to, some children were placed under the Child Guidance Clinic system, which had been established in 1996 to provide mental health services.

10. To ensure equal treatment for persons with disabilities, the Government had recently passed the Disability Act and proposed amendments to the Child Care and Protection Act that would lead, inter alia, to the alteration of child protection facilities to enhance wheelchair accessibility and the provision of training and support to foster parents, residential care workers and actors in the security and justice sectors responsible for helping children with disabilities, including those affected by HIV/AIDS.

11. Several programmes were being implemented to keep children in school. One of the Government's objectives was to guarantee that students received at least five years of secondary-level education. To that end, it was working to create more places through the construction of new schools and the expansion of existing ones. Since 2011, there had been a tenfold increase in the number of children in the child protection sector who had qualified for university entry.

12. In keeping with the country's tradition of promoting child participation, a children's advisory panel had been set up and child ambassadors had been appointed to raise awareness of the reporting and prevention of child abuse. In June 2012, the Child Protection Database had been created to facilitate the standardization of data indicators.

13. The Government had made a focused and conscious effort to implement the Convention and, while acknowledging that there was much still to do, remained committed to the promotion and protection of the human rights of all citizens under the Constitution.

14. **Ms. Muhamad Shariff** (Country Rapporteur) asked whether the State party could ensure that the revised Child Care and Protection Act included specific provisions for children with special needs, particularly children with disabilities and those affected by HIV/AIDS. Noting that there were discrepancies between the ages of majority, consent and criminal responsibility, she called on the Government to raise the marriageable age to 18 years.

15. She enquired about the status of the National Framework of Action for Children and the National Development Plan entitled "Vision 2030 Jamaica". She wished to know the objectives of the proposed national policies on compulsory education and special education and asked when they would be adopted. The delegation should indicate whether difficulties in implementing legislation were due to a lack of resources and outline the achievements of the Joint Select Committee mentioned in paragraph 1 of the replies to the list of issues (CRC/C/JAM/Q/3-4/Add.1).

16. She invited the delegation to comment on the fact that there was still no identifiable government body to coordinate the implementation of the Convention and asked whether a

review of the National Policy on Children of 1997 was under way. She also wished to know whether there were plans to establish a national human rights institution in compliance with the Paris Principles and whether the work and success of the Office of the Children's Advocate had been evaluated since its inception.

17. The delegation should indicate the size of the budget allocated to children and describe the aims of the Social Investment for Children Initiative. She asked how the Initiative worked and whether it had been evaluated, whether the global economic downturn had forced more children into poverty and what steps were being taken to improve the implementation of social policies to combat the problem. She invited the delegation to comment on the lack of government data on children with disabilities.

18. Noting that child labour had not yet been eradicated in the State party, she asked whether the Occupational Health and Safety Bill had been adopted and invited the delegation to respond to concerns regarding the scarce resources available to the Ministry of Labour's Child Labour Unit and the low level of arrests and prosecutions for child labour offences.

19. She wished to know how the best interests of the child were taken into account in the juvenile justice system and adult criminal cases, particularly where parents were facing capital punishment. She also asked what measures had been taken to ensure that parents, guardians and caregivers attached due importance to child participation, and whether the Government had addressed gaps in the birth registration process.

20. She invited the delegation to comment on reports of a recent increase in violent crime against children and asked how the Government was tackling the issue of child murder. Information on arrests and convictions for the offence and on the support given to victims' families would be appreciated. She wished to know why children went missing in the State party and enquired about the scope of the Children Support Task Force. The delegation should indicate whether the Task Force had been assessed since its establishment.

21. **Ms. Aldoseri** (Country Rapporteur) asked whether the Convention was disseminated systematically and widely, particularly among judges, social workers and law enforcement officers. The delegation should describe efforts to combat violence and implement the Criminal Justice (Administration) Act and the National Plan of Action for an Integrated Response to Children and Violence 2012–2017. It would be useful to know whether the Government had coordinated with families and schools in that regard.

22. She asked whether the objectives of the Plan included the elimination of corporal punishment in all settings and, noting that the practice was reportedly still lawful in schools and homes, asked what steps had been taken to raise awareness of its damaging consequences. She also enquired about the effectiveness of the Safe School Programme.

23. Lastly, she wished to know whether the National Plan of Action on Child Labour had helped reduce or eradicate child labour, whether the practice had been criminalized and whether statistics were available on relevant cases and legal action against perpetrators.

24. **The Chairperson** asked what was being done to end gender-based discrimination and discrimination against children with disabilities and those affected by HIV/AIDS.

The meeting was suspended at 3.45 p.m. and resumed at 4.15 p.m.

25. **Ms. Hanna** (Jamaica), referring to violent crime against children, said that the situation had greatly improved since 2011 and that recent data in fact pointed to a downward trend in such offences. The review of the Child Care and Protection Act had been completed in 2014 and a workplace policy on HIV/AIDS had been adopted. Specific provisions for children with disabilities and those affected by HIV/AIDS had been included

in the revised Act that would be submitted for approval to the Legislation Committee. National legislation on adoption had also been reviewed with the aim of facilitating the adoption of such children.

26. Replying to a question on the minimum marriage age, she said that there was no policy on child brides because it was not a significant problem in Jamaica. Nevertheless, the Ministry of Justice was holding public consultations on a number of laws related to children, including on whether or not to raise the age of consent to 18. While no final decision had yet been taken, it was important to bear in mind the financial impact of any policy change.

27. A great deal of work had been done on the issue of children held in adult correctional facilities, resulting in the placement of all juvenile offenders in separate centres. Furthermore, the abolishment of the "uncontrollable behaviour" label had taken some children out of the system altogether and had promoted family reintegration. In addition to the regular curriculum, girls in juvenile centres were taught art, music and drama. Civil society organizations also ran mentorship programmes in children's homes.

28. **The Chairperson** asked to what extent alternative care was regulated by law.

29. **Ms. Hanna** (Jamaica) said that the Ministry of Justice's National Child Diversion Policy was meant to keep children out of the justice system and to improve the therapy provided to juvenile offenders. She chaired an interministerial committee that ensured policy coherence among all the relevant government bodies.

30. **The Chairperson** asked how that was done in practice, how regularly the committee met and whether the other members also had high level status.

31. **Ms. Hanna** (Jamaica) replied that the Ministers of National Security, Justice, Health and Education as well as representatives of all children's agencies, including the Office of the Children's Advocate, sat on the committee, which met quarterly to discuss various matters covered by the Convention. She also had numerous ad hoc opportunities to meet and discuss specific issues with her Cabinet colleagues.

32. **Ms. Muhamad Shariff** asked whether non-governmental organizations (NGOs) were involved in the meetings and requested further information on the National Framework of Action for Children.

33. **Ms. Hanna** (Jamaica) said that NGOs were involved in the meetings and that the Task Force on Child Abuse Prevention also gathered input from civil society. The National Framework was overarching and tackled all aspects of children's lives, including education, employment, social security and violence. It would shortly be submitted to Cabinet for approval under a separate budget, so as to ensure that it was implemented. Replying to an earlier question regarding the apparent lack of penalties for violence against children, she said that the penalties were extremely clear, particularly in the case of neglect and sexual abuse, and had been stiffened. Urging the Committee members to visit Jamaica in order to see and understand for themselves the situation of violence against children, she said the issue was that child victims tended not to report abuse or, when they did, they, or their families, were often too uncomfortable to continue with proceedings.

34. **The Chairperson** asked what steps were being taken to encourage victims to come forward and to dispel some of the misinformed beliefs surrounding sexual abuse.

35. **Ms. Hanna** (Jamaica) said that the Office of the Children's Registry, the Child Development Agency, the Ministry of Justice and the Office of the Children's Advocate were active in communities and schools, ran large-scale information campaigns on radio and television, held workshops with parents to train them in identifying the signs of abuse

and operated a helpline. Sexual abuse figures were rising because people were becoming more inclined to report cases.

36. **Ms. Muhamad Shariff** asked how the State party reconciled its statement that cases of sexual abuse were increasingly being reported with the assertion that many victims were still reluctant to come forward.

37. **Ms. Hanna** (Jamaica) said that, although headway was being made, the necessary culture change would take time as the authorities could not compel victims or their families to report abuse. Currently, when someone made an allegation, the child was taken out of the family and placed either with relatives or in a safe home and received immediate counselling, following which some had the courage to proceed with a complaint.

38. **Ms. Muhamad Shariff** said she was surprised that, despite assurances of confidentiality and the availability of videoconferencing, victims were still reluctant to come forward.

39. **Ms. Hanna** (Jamaica) said that there was still a stigma attached to that type of offence and that, until people saw abused children as victims, reporting cases would continue to be difficult for many. However, a significant support structure was in place to assist family members in overcoming their concerns. Moreover, children were taught about their rights at all levels of the education system.

40. **The Chairperson** asked whether there was the same reluctance to report abuse committed by a stranger.

41. **Ms. Hanna** (Jamaica) replied that children tended to testify more easily when they did not know their attacker. Turning to questions regarding the effective implementation of national laws, she said that judges and social workers were specially trained in child protection laws, which were enforced through the Children's Court.

42. **Ms. Muhamad Shariff** enquired as to why crime rates remained so high if the law was being enforced.

43. **Ms. Hanna** (Jamaica) said that crime rates had in fact been falling since 2011 for a number of offences, such as murder, rape and abduction. The Ministry of National Security was tackling the causes of crime and some 30 communities had joined the Unite for Change Initiative for the coordination of violence prevention programmes. Regarding the high numbers of missing children, she said that there was anecdotal evidence that some families, in response to a perceived threat from someone in the community, sent their daughters away to live with relatives and declared them missing in order to draw attention away from them. However, there were as yet no specific data on that subject.

44. **Ms. Muhamad Shariff** suggested that the State party should investigate reports of such practices.

45. **Ms. Hanna** (Jamaica) said that the police were contributing to the conduct of a survey on the topic. Under the Ananda Alert System, schools were required to provide an updated photograph of each pupil every year. In addition, an integrated response team comprising officials from the Ministries of Youth and Culture, National Security, Justice and Education had been established to expedite searches for missing children.

46. **Ms. Khazova** asked why there was such a large number of missing children despite obvious efforts to curb the problem.

47. **Ms. Hanna** (Jamaica) said that there had been a 10 per cent drop in missing children cases in 2013 and that 9 out of 10 missing children had been returned to their families, partly as a result of appeals to parents to report cases promptly. Many missing children were in fact runaways.

48. **Ms. Aldoseri** asked whether the relevant data were based on scientific research.

49. **Ms. Hanna** (Jamaica) replied that they had been provided by the police.

50. **The Chairperson** asked what motivated children to run away and whether doing so had become something of a trend.

51. **Ms. Hanna** (Jamaica) said that girls often ran away because of community issues, such as domestic violence, or because of disagreements with their family about house rules or boyfriends.

52. **Mr. Madi**, stressing the gravity of the missing children phenomenon, asked whether most of the children who returned to their families did so voluntarily or were found by the authorities. In the latter case, how did the authorities ensure that the children did not run away again? Were any awareness-raising campaigns being carried out?

53. **Mr. Gastaud** asked whether any family mediation mechanisms were in place. Recalling the delegation's comment that violence was a mindset, he said that it was also a matter of the ready availability of weapons. Accordingly, he asked what measures had been adopted to reduce the number of weapons in circulation.

54. **Ms. Hanna** (Jamaica) said that runaways typically went missing for one or two days and some returned of their own volition. When a child was returned by the police, the Child Development Agency stepped in to provide counselling for the child and the family. It also ran parenting seminars. As runaways were the subject of ongoing studies, it was too early to label the issue as a phenomenon or trend. The number of field staff, especially social workers, had been increased.

55. **The Chairperson** asked whether counselling was also available as a preventive measure.

56. **Ms. Hanna** (Jamaica) said that the Child Development Agency did provide such services. Parents also tended to ask the local police to sit down and talk to unruly children. Regarding the availability of weapons, the Ministry of National Security was implementing the Criminal Justice (Suppression of Criminal Organizations) Act by inter alia conducting regular spot checks, stepping up police intelligence gathering and improving port surveillance.

57. **Ms. Muhamad Shariff** asked how effective the Act had been and whether there had been any retaliation on the part of gangs.

58. **Ms. Hanna** (Jamaica) replied that the Act had already had an impact on policing methods and the penalties applied to youths involved in gangs. Turning to a question on the 1997 national policy on children, she said that it had been subsumed under relevant legislation, in particular the Child Care and Protection Act. The Ministry of Justice was engaged in consultations regarding the establishment of a single human rights institute; however, in the meantime, the Office of the Children's Advocate and the Office of the Public Defender reported regularly to Parliament.

59. **Ms. Muhamad Shariff**, pointing out that discussions on an independent human rights body had been under way for some time, asked whether they were likely to bear fruit in the near future.

60. **Ms. Hanna** (Jamaica) said that the topic had not been placed formally on the Government's agenda until July 2014, but that results were expected towards the end of 2015. The Office of the Children's Advocate was an independent arm of Parliament and was State-funded. Education spending represented 17 per cent of the national budget and, despite the constraints of a fiscal plan mandated by the International Monetary Fund, the Government had boosted social programmes and subsidies for children. The Social

Investment for Children Initiative was being rolled out by the Planning Institute of Jamaica, whose findings informed government decisions on a variety of issues of relevance to children, including gaps in data collection. Duplication of government efforts was being addressed by enhancing coordination and better dividing tasks in accordance with each ministry's sphere of competence. Turning to child labour, she said that the issue affected very few children and that school attendance was monitored. Replying to a question on the children of incarcerated parents, she said that there was a strong child protection policy, under which the Child Development Agency and other government entities provided support for children whose parents were sent to prison.

61. **The Chairperson** recalled that the question that had been asked concerned whether the best interests of the child were taken into account in the sentencing of parents.

62. **Ms. Hanna** (Jamaica) said that, when a parent was sentenced to imprisonment, the relevant childcare agencies were informed and provided the necessary support.

63. **The Chairperson** asked whether the best interests of the child were taken into account by judges when sentencing offenders.

64. **Ms. Hanna** (Jamaica) said that the penalties for all offences were clearly set out in domestic legislation.

65. **Mr. Madi** asked whether judges in the State party received training on children's rights and the Convention and whether a flexible approach to sentencing was adopted with regard to detainees with children.

66. **Ms. Hanna** (Jamaica) said that judges received training on the Child Care and Protection Act and the best interests of the child, and had discretion in the matter of sentencing.

67. **Ms. Khazova** asked how the national authorities assessed implementation of the principle of the best interests of the child and whether a list of factors to be taken into account by judges at the sentencing stage had been drawn up.

68. **Ms. Hanna** said that the children of parents convicted of and imprisoned for neglect were taken into State care. In the case of minor offences, the Child Development Agency and other related bodies worked with judges to find non-custodial alternatives for parents. The Child Development Agency held parenting workshops and the Ministry of Education had put in place the National Parenting Support Commission and a related policy. With regard to serious offences, judges also received training from the Office of the Children's Advocate and a number of other agencies on the Convention and the sentencing of both parents and minors.

69. Work was ongoing regarding child participation in childcare settings. According to data compiled by the Registrar General's Department, the overwhelming majority of children were registered at birth.

70. **The Chairperson** asked whether the State party had any plans to raise the minimum age for marriage to 18 years.

71. **Ms. Hanna** (Jamaica) said that the issue of raising the minimum age for marriage and for sexual consent to 18 years was currently under review, with the two issues being examined separately. Girls wishing to marry at the age of 16 currently had to seek parental consent.

72. **The Chairperson** asked whether girls aged between 16 and 18 would be considered to be child brides in the State party.

73. **Ms. Hanna** (Jamaica) said that any girl under the age of 18 who married would be considered a child bride.

74. **The Chairperson** asked whether the delegation would favour raising the marriage age without raising the age of sexual consent.

75. **Ms. Hanna** (Jamaica) said that any move to raise the age of marriage without doing the same with regard to sexual consent could lead to legal confusion. An interministerial committee was currently discussing the issue with a view to addressing the existing gaps in legislation.

76. **The Chairperson** said that the Committee wished the minimum age of marriage to be set at 18 years.

77. **Mr. Madi** noted with concern the inconsistency inherent in the fact that girls under the age of 18 could marry despite being considered to be children from a legal standpoint.

78. **Ms. Hanna** (Jamaica) asked whether the State party would be in breach of the Convention if it failed to raise the minimum age of marriage to 18.

79. **The Chairperson** said that, in the view of the Committee, marriage before the age of 18 constituted a harmful practice. There was some limited room for manoeuvre in that regard but any exceptions must be clearly set out in law and the prior approval of a judge must be sought regarding any such union.

80. **Ms. Hanna** (Jamaica) said that she would carry out consultations on that issue with the Office of the Attorney-General and the Ministry of Justice upon her return to the State party and would inform the Committee of the outcome.

81. **The Chairperson** pointed out that the Committee would, in fact, prefer that no exceptions be made to the minimum age for marriage.

82. **Ms. Aldoseri**, turning to the issue of children with developmental disabilities, asked whether it was planned to renew the National Strategic Plan for Early Childhood Development in Jamaica (2008–2013). She also requested information concerning the geographical coverage of the Early Stimulation Programme in rural areas and wished to know how many low-income families were registered under the programme and where they resided.

83. Regarding Ministry of Labour and Social Security special rehabilitation grants, she asked for information on the amounts of money involved and the number of families currently receiving such assistance. She enquired as to whether the National Persons with Disabilities Act was still at the draft stage and whether it dealt with the rights and active participation of children with disabilities in all spheres of social life and their integration into schools and wider society. She asked for information on related advocacy work and the status and content of the draft curriculum to address the needs of children with disabilities. She wished to know whether the curriculum covered training for teachers working with children with disabilities. She asked whether there were any plans to ensure that all children with disabilities were placed in mainstream schools and to upgrade older school premises in order to improve accessibility. She also wished to know whether a national plan for persons with disabilities was in place.

84. In the matter of health and health services, she asked why the maternal mortality rate had increased and requested information on medical and professional services relating to pregnancy and childbirth in rural and urban areas, teenage pregnancies and sexually transmitted infections.

85. With regard to mental health, she referred to the high rate of suicide attempts among children aged between 13 and 15 and asked whether there were sufficient trained specialists capable of identifying children at risk in that regard in schools and providing them with counselling. She also asked whether there were any programmes in schools to address the issue of the transmission of HIV and sexually transmitted infections to teenage girls. She

asked for information on reproductive health counselling in schools and financial assistance provided to poor families in order to help them to ensure that their children did not turn to prostitution. Lastly, she asked whether secondary education was free.

86. **Ms. Hanna** (Jamaica) said that secondary education was free.

87. **Ms. Aldoseri** asked whether there were currently enough secondary schools to meet demand and whether the lengthening of the schoolday had helped address that issue. Were there sufficient trained secondary schoolteachers and was it planned to build more schools? She requested additional information regarding the claim that all school-age mothers would be reintegrated into the formal education system.

88. Turning to the issue of children in street situations, she requested updated information on the number of such children, any programmes put in place to take them off the streets and projects relating to reintegration and medical and psychological care and support (particularly for children infected with HIV/AIDS). Trafficking in children from rural to urban areas for the purposes of forced labour and sexual exploitation, including sex tourism, remained a problem. She wished to know why the number of prosecutions was low in that regard and whether there were any victim rehabilitation programmes in place.

89. Lastly, she asked when the State party intended to submit reports on the Optional Protocols to the Convention.

90. **Ms. Muhamad Shariff**, turning to the issues of the family environment and alternative care, asked what support was provided in order to prevent the break-up of low-income and single-parent families and whether counselling and parenting programmes were in place. She asked whether middle- and low-income families in rural and urban areas had access to day-care facilities for children under the age of 3 and whether there were plans to review the legislation on adoption.

91. Referring to the issue of children in State-care facilities, she noted that many of those children remained at risk from harm or abuse. She asked why the directive covering the placement of children with a fit person or in a place of safety was often not taken into account.

92. She requested more information on the implementation of the recommendations contained in the Keating report and on the National Child Diversion Policy and its impact on juveniles. She also asked for data on children residing in prisons with their mothers and on the so-called "barrel children" (children abandoned when their parents migrated abroad). Lastly, she asked whether the victims of the fire that had broken out in the Armdale Juvenile Correctional Centre had been compensated.

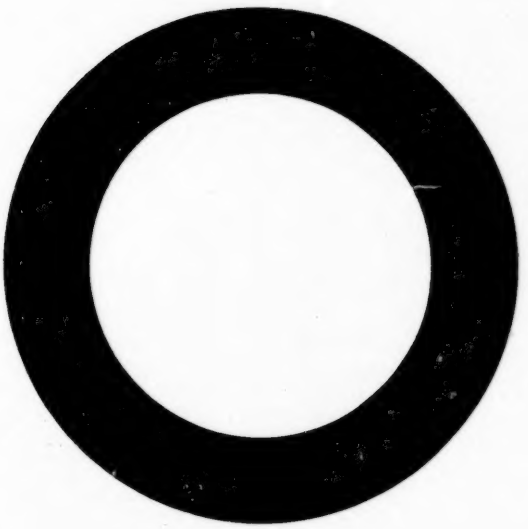
93. **Mr. Madi** asked whether any employers in the State party had been prosecuted for using child labour and whether the children concerned had been employed in the tourism and informal sectors.

94. **Ms. Khazova** asked whether any programmes, plans or measures had been put in place to address the root causes of juvenile crime.

95. **The Chairperson** asked what was being done in the State party to tackle and raise awareness among children of the adverse effects of climate change. Furthermore, she asked whether children required parental consent in order to obtain contraceptives. On the issue of juvenile justice, she asked whether children were still detained in police lock-ups and if so, for how long, and whether it was illegal to detain children in such facilities. Lastly, she requested additional information on the measures taken to tackle gang violence.

96. **Ms. Muhamad Shariff** requested additional information regarding a number of cases of suicide or attempted suicide which had taken place in detention facilities and which had involved minors.

The discussion covered in the summary record ended at 6 p.m.



United Nations CRC/C/SR.1952

Convention on the Rights of the Child

Distr.: General
22 January 2015

Original: English

Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1952nd (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Monday, 19 January 2015 at 3 p.m.

Chairperson: Ms. Wijemanne

Contents

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Uruguay

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-00753 (E) 210115 220115

1500753

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Uruguay (CRC/C/URY/3-5; CRC/C/URY/Q/3-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Uruguay took places at the Committee table.*

2. **Ms. Costa** (Uruguay), introducing her country's report, said that she wished to stress that Uruguay had made considerable progress in the area of human rights in the past 10 years. Its ratification of all the fundamental human rights treaties, including their optional protocols, and the standing invitation it extended to the special rapporteurs and other special mandate holders of the inter-American or international human rights systems attested to its commitment to protecting human rights. It was also her pleasure to note that the necessary preliminaries to ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure had been completed, and Uruguay would expressly declare that it recognized the competence of the Committee to receive and consider declarations in which a State party claimed that another State was not fulfilling its obligations under the Convention, the Optional Protocol to the Convention on the sale of children, child prostitution and pornography or the Optional Protocol to the Convention on the involvement of children in armed conflict.

3. A recent domestic development that warranted mention was the narrow defeat of a citizens' initiative that would have lowered the age of criminal responsibility from 18 years to 16. That the initiative had won the support of 48 per cent of the voters nonetheless highlighted the existence of differing views regarding the treatment of minors in conflict with the law and had alerted the authorities to the need to pay particular attention to the issue. In that connection, the dialogue with the Committee would be of great help in spurring improved implementation of the instruments guaranteeing children's rights in Uruguay, and it was therefore in a spirit of openness that she and her delegation had appeared before the Committee.

4. **Ms. Oviedo Fierro** (Country Rapporteur), acknowledging the clear progress made by the State party, nonetheless asked why, according to figures Uruguay itself had provided, children continued to be far more likely to be affected by poverty than the population as a whole. Poverty, in fact, seemed to be at the core of nearly all the issues that would be approached in the Committee's dialogue with the State party. She also acknowledged the combined efforts that had gone into the plans developed as part of the National Strategy for Children and Adolescents but wished to know whether the results of the first such plan, for the period 2010–2015, had been evaluated. If so, the main findings would be of great interest to the Committee. In addition, she asked whether the plan of action for the next five-year period had been put in place; what changes had been made with respect to the previous plan; whether the plan involved all agencies that worked with children or the Uruguayan Institute for Children and Adolescents (INAU) alone; what role the Honorary National Advisory Board on the Rights of Children and Adolescents had played in its development; and whether inter-institutional coordination worked well enough to ensure the plan's comprehensiveness.

5. She also wondered whether INAU, whose budget had apparently tripled, was meeting the needs of the children it was meant to serve, children in need of special protection in particular. Comment on whether the coordination between INAU and the programme Infamilia, which the Committee had previously recommended, was likely to continue would be welcome, as would an indication of the steps the authorities had taken to ensure that INAU would at long last take a rights-based approach to its mission. Moreover,

she requested further information on the system for alternative care, which, once fully operational, would be fundamental to the protection of children in the State party. What steps would be taken, for instance, when a child was rescued from participation in the production of pornography?

6. The State party had been asked to provide further information on the human and financial resources of the Honorary National Advisory Board on the Rights of Children and Adolescents but had not done so. She therefore enquired about the reasons for the apparent lack of political and financial support for the Advisory Board, which the State party itself had set up. If it was no longer necessary as a coordinating body, it would be of considerable interest to the Committee to know what had taken its place.

7. As political support for independent oversight also appeared to be lacking, she asked what was being done to strengthen the National Human Rights Institution, which had been unable to take more than a handful of actions in favour of children for want of the necessary resources. Civil society organizations were consulted by the authorities, but comment on what the State party was doing to ensure that those organizations were represented better still — on the Advisory Board, for example — would be welcome. A summary of the State party's broader views on the participation of civil society would likewise be welcome.

8. Since it was not always clear in what areas children's needs were not being met, she wondered what the State party was doing to bring together several discrete data systems and to organize information in such a way that any failures to fully implement the rights enshrined in the Convention could be more readily identified. She also asked what was being done to provide the training that would make it possible for Uruguayan society to view children as persons endowed with rights, whether the training of educators had been sufficient and why rights education was apparently not included in school curricula.

9. The Committee was aware of children's participation in the work of INAU and in a number of initiatives involving children's affairs, but children had also participated in the alternative reports that had been submitted to the Committee, and it emerged clearly from those reports that they often did not have a say in decisions that affected them. In that connection, she wished to know whether the country's schools had set up participation councils, as required by law, how many such councils had been set up and what exactly they did. She also requested information on the measures adopted to ensure the participation of children in other areas and wondered why the adolescents on the Advisory and Consultative Council of INAU did not also contribute to the work of other government agencies responsible for child-welfare policy.

10. With reference to access to information, she asked what mechanisms were in place to protect children from inappropriate uses of the Internet. Lastly, she requested further information on the reasons for the frequency with which children were institutionalized in Uruguay, which was the highest in the region. In that connection, she wondered whether there were no programmes in place to help families better fulfil their roles, how the foster care programme was working and what the Government and INAU had done to avoid the courts resorting initially to institutionalization.

11. **Mr. Cardona Llorens** (Country Rapporteur) said that the point of the dialogue with the States parties was not merely to subject them to criticism but to seek information that would enable the Committee to make better recommendations for the coming years. He said he hoped that the delegation of Uruguay would view the process as an opportunity for the Committee to help the State party continue along the right path. In that context, and in view of several worrying developments, he wondered why such a large percentage of voters had been in favour of lowering the age of criminal responsibility, why the age of marriage could not be raised to 18 and, more broadly, what was being done to combat the apparent perception that adolescents were not children.

12. He also asked whether any of the five members of the joint body that presided over the National Human Rights Institution and the Ombudsman's Office specialized in children's rights. If not, the Government would perhaps do well to consider having one of the members of the body specialize in the area. In addition, he wished to know how the Government intended to quantify the exact amounts it invested in children's affairs and whether it was considering requiring studies of the impact that economic measures, budget cuts in particular, would have on children's rights. Information on the measures that the Government had taken to combat discrimination, especially on socioeconomic grounds, would also be welcome. In that respect, he asked what was being done to eliminate the causes of discrimination against children from the interior, children of African descent, children born out of wedlock and children with disabilities.

13. It would be of interest to the Committee to know what steps the authorities were taking to improve the strained relationship between young people living in shanty towns or other marginal neighbourhoods and the police. He also requested clarification of whether a minor could indeed be held in detention for up to 23 hours before a judge was notified, as a number of legal specialists had asserted, and asked what plans the Government had made to strengthen the Integrated System for the Protection of Children and Adolescents from Violence, which appeared to be functional in only 3 of the country's 19 departments. Information on the financial and human resources that had been allocated to the system would also be welcome. He further wished to know what psychosocial support services were available to child victims of domestic violence or sexual abuse, what was being done to expedite the resolution of cases involving the sexual abuse of boarders placed in centres for adolescent girls and whether the prohibition of corporal punishment was really enforced.

14. **The Chairperson** requested further information on the practical implementation of the National Code on Childhood and Adolescence and asked whether any legislative reforms had been undertaken to bring national law into line with the Convention. She enquired about the status of the comprehensive national plan of action for children and adolescents and the budget allocated for its implementation. She wondered whether civil society and children themselves had participated in the drafting of the plan of action. Lastly, she asked whether any database containing disaggregated data on children was available.

15. **Mr. Kotrane**, noting that Uruguay had ratified all the major international human rights instruments, asked whether the State party also intended to ratify the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). He wished to know whether the Convention held primacy over domestic law, whether it had ever been directly invoked before the courts, and whether judges received training on its provisions. The Committee was concerned that the situation of children in Uruguay could be worsening, in view of the recent legislative changes, which established minimum sentences for certain offences, including for youth offenders, and which established summary proceedings after a single hearing. He questioned whether the rights of the child were truly given paramount consideration in the actions being taken by the State party.

The meeting was suspended at 4.05 p.m. and resumed at 4.30 p.m.

16. **Ms. Costa** (Uruguay) said that, in addition to the answers that would be provided orally, her delegation would also submit additional information to the Committee in writing.

17. **Ms. Curto** (Uruguay) said that an evaluation of the national plan of action for children and adolescents had been conducted with the participation of various State institutions. A key component of the plan of action was early intervention during pregnancy to ensure that pregnant women received the check-ups they needed. The high percentage of hospital births indicated that most pregnant women did have access to health care, and the maternal mortality rate in the country was declining. National law provided for the

termination of unwanted pregnancies under safe conditions, which helped to prevent unnecessary maternal deaths. The subject of nutrition during pregnancy was not addressed in the current plan of action for children and adolescents but would be included in the following plan.

18. Early childhood programmes gave particular attention to children from vulnerable groups, including children with disabilities, who were provided with personal assistants to facilitate their access to inclusive education. Efforts were being made to monitor early childhood centres so as to ensure that the quality of education they provided was consistent and uniform, and significant progress had been made in that regard. Training for the staff of such centres had also been strengthened.

19. Coverage of health and education services for children was almost universal, and significant progress had been made in recent years with respect to coverage of compulsory education for children 4 to 5 years of age. Different education models following different timetables had been developed with input from the students and their families. Progress was less evident with respect to adolescents, however, and dropout rates and repeat rates remained high among that age group. While there was no plan of action for the period 2015–2020, general guidelines for programmes relating to the rights of the child would be ready in February 2015.

20. **Ms. Oviedo Fierro** asked whether a plan of action covering that period would be drawn up in addition to the general guidelines.

21. **Ms. Curto** (Uruguay) said that a plan of action would be drawn up in 2015 and would be based on the aforementioned guidelines. The Honorary Consultative Council and Adviser on the Rights of Children and Adolescents had participated in the drafting of the current plan of action and would also be involved in the preparation of the subsequent plan.

22. **Ms. González** (Uruguay) said that many changes had been made within the Uruguayan Institute for Children and Adolescents in recent years and that it had adopted a broader approach by developing programmes targeting all children and adolescents rather than focusing mainly on vulnerable groups. Several training activities had been carried out in 2014, including parenting workshops and training for professionals working with children and adolescents. The services offered by the child protection system were much broader than those offered by the health-care system, and there was no reason to fear that the latter would replace the former.

23. The figures cited on the institutionalization of children included all children for whom protection measures had been implemented, whether those measures called for placement in an institution or in family-based care. Institutionalization was used only as a measure of last resort. The figures referred to covered many children whose situation was monitored by technical staff of residential centres but who were in reality living in a family group. Following a pilot project conducted in 2014, the family-based care model had been strengthened with support from the United Nations Children's Fund (UNICEF) and other organizations.

24. **Ms. Ramírez** (Uruguay) said that the Code on Children and Adolescents defined a child as anyone under 18 years of age. A further distinction was made between children up to 13 years of age and those between 13 and 18 years of age, who were considered to be adolescents. The Code was firmly based on the Convention and had established a legal foundation opposed to lowering the age of criminal responsibility.

25. **Mr. Kotrane** asked whether the Government intended to further raise the minimum legal age of marriage to 18 years for both girls and boys.

26. **Ms. Paysse** (Uruguay) said that, since the minimum age of marriage had proved to be such a divisive issue, it had been raised rather arbitrarily to only 16 years. Nevertheless,

during the universal periodic review, Uruguay had made a commitment to raise it further to 18 years. A new criminal code was in the process of being adopted and would address some of the age-related issues the Committee had raised, bringing national law further into line with the Convention.

27. **Mr. Cardona Llorens** asked whether there was any resistance on the part of civil society on the issue of raising the minimum age of marriage.

28. **Ms. Paysse** (Uruguay) said that there was no resistance from civil society and that she believed that there was sufficient political will to raise the age to 18 years.

29. **Mr. Kotrane** wondered whether it was not the Family Code that should be amended rather than the Criminal Code.

30. **Ms. Paysse** (Uruguay) said that the minimum age of marriage was governed by a separate law. The reform of the Criminal Code would address related issues, such as the age of consent, with a view to strengthening protection for children. The aim was to raise the age of consent from 15 to 18 years of age.

31. **Ms. Ramírez** (Uruguay) said that Act No. 18214 established guidelines on raising awareness among parents about the corporal punishment of children, which it prohibited. Although the Act did not set out any specific sanctions for persons who engaged in corporal punishment, it was possible to invoke sanctions contained in other pieces of legislation, such as the Domestic Violence Act (No. 17514).

32. **Mr. Cardona Llorens** said that it seemed to be quite difficult to invoke criminal sanctions against persons who engaged in corporal punishment, and he asked whether there were any administrative sanctions that would apply in such cases.

33. **Ms. Ramírez** (Uruguay) said that Act No. 18214 did not provide for such sanctions but that criminal charges could be brought in cases involving physical violence.

34. **Ms. Paysse** (Uruguay) said that some members of parliament had opposed the adoption of the Act on the premise that parents had a right to spank their children. The controversy surrounding the law had raised the profile of the issue of corporal punishment in society, and as a result parents and teachers were unlikely to engage in the practice in public for fear of social condemnation. Children were also aware of the existence of the Act and were helping to raise awareness among the adults in their lives.

35. **Ms. Ramírez** (Uruguay) said that her delegation strongly disagreed with the assertion that the Uruguayan Institute for Children and Adolescents had not made any changes with regard to the institutionalization of children. The Institute aimed to protect children through various programmes using different care models. It managed a total of 417 centres for young children and conducted nationwide information campaigns to promote the rights of children and adolescents. Its staff members were located throughout the country and had an in-depth understanding of the situation of children in both rural and urban areas. The new family-based care model provided children with a family environment and helped to protect their rights.

36. **Ms. Oviedo Fierro** said that her comments had been based on specific examples and that the Committee remained concerned about whether an institution with such a long history of adherence to an outdated doctrine could continue to operate. She requested clarification about the extended family model referred to, which seemed to be the same model used by SOS Children's Villages and which, while limiting the number of children in a family group, still used what were essentially institutional methods. She asked to what extent the Government was making efforts to facilitate family reintegration. Lastly, she asked what specific role the Honorary Consultative Council and Adviser on the Rights of

Children and Adolescents had played in the drafting of the current plan of action for children and adolescents.

37. **Ms. Ramírez** (Uruguay) said that Act No. 19092 provided that priority should be given to reintegrating children who had been removed from their family back into the family home. The Act also provided for alternatives to reintegration, such as adoption, foster care or institutionalization. Judges took the best interests of the child into account when deciding on the most suitable form of alternative care for the child concerned.

38. **The Chairperson**, speaking in her capacity as an expert, said that the Committee had received reports that children born out of wedlock were often stigmatized and discriminated against, and that parents could be denied custody of their children on account of being minors and not feature on the child's birth certificate. She asked what measures the State party envisaged taking to guarantee the right of those children to know and be cared for by their parents.

39. **Ms. Ramírez** (Uruguay) said that, under the Adoption Act (Act No. 18590), all children were considered to be legitimate, regardless of the marital status of their parents.

40. **Mr. Cardona Llorens** asked whether all references to natural and legitimate children had been removed from the Act in question.

41. **Ms. Paysse** (Uruguay) said that the Adoption Act no longer distinguished between natural and legitimate children and afforded all children the same protection, irrespective of their parentage.

42. **Ms. Rodríguez** (Uruguay) said that although Uruguayan law granted judicial authorities the possibility of taking alternative measures to detention in the first instance, they seldom did so in practice. The System of Adolescent Criminal Liability (SIRPA) could prescribe a number of non-custodial measures to deal with juveniles who came into conflict with the law. Such measures included providing juveniles with psychosocial care and guidance and requiring them to perform community service. The staff working for SIRPA had received specialized training and the institution possessed adequate financial resources to function effectively. The Police Procedures Act (Act No. 18315) did not repeal article 76 of the Code on Children and Adolescents, which required a judge to be informed of the detention of juveniles either immediately or within two hours of their being detained. The juveniles should also appear before a judge within two hours of being detained. The Police Procedures Act only applied when there was no established procedure in the Code on Children and Adolescents. If it proved impossible for the juveniles to appear before a judge within the prescribed time, they were sent to a temporary holding facility overseen by the Uruguayan Institute for Children and Adolescents (INAU).

43. **The Chairperson** said that the adoption of Act No. 18214 prohibiting the use of corporal punishment against children and adolescents in all settings was a welcome development. However, she would be interested to know of the State party's efforts to eradicate that phenomenon on the ground.

44. **Ms. Rodríguez** (Uruguay) said that corporal punishment inflicted on children and adolescents by public officials in detention centres was considered tantamount to an abuse of authority. Reported cases involving corporal punishment were referred to the competent criminal justice authorities. If the authorities found that there had been abuse of authority, the appropriate legal proceedings were initiated against the public official concerned. Public officials found to have inflicted corporal punishment on children and adolescents in detention centres could also be subject to administrative action, including removal from their post and administrative penalties.

45. **The Chairperson** asked what the State party was doing to eradicate corporal punishment in the home and in the school setting.

46. **Ms. Rodríguez** (Uruguay) said that the measures taken by the Government to eradicate corporal punishment included the provision of training on non-violence for public officials, the investigation of all reported cases involving corporal punishment and the removal of offending public officials from their post. The Government was also in the process of identifying best practices on how to guarantee the appropriate treatment of children and adolescents in detention centres.

47. **Ms. González** (Uruguay) said that the Integrated System for the Protection of Children and Adolescents from Violence (SIPIAV) was an interministerial body that carried out information campaigns and dispensed training in schools and community centres throughout the country with a view to preventing violence against children and adolescents. Furthermore, specially trained teams could intervene in situations of violence involving children and adolescents. There were also strategies in place to protect and assist children and adolescents who were victims of violence.

48. **Ms. Santoro** (Uruguay) said that the creation of SIPIAV had served to enhance the protection and assistance afforded to children and adolescents who were victims of abuse and ill-treatment. Moreover, the procedure for handling cases had been improved and a road map for dealing with those children and adolescents had been devised.

49. **Mr. Cardona Llorens** said that the amendments to the Adoption Act had not really served to accelerate the adoption process in Uruguay. The slowness of the process could be attributed to the lack of technical expertise of the government department responsible for handling adoption cases. He asked how the State party planned to build the capacity of the department in question and to accelerate the overall adoption process.

50. Noting that inclusive education was virtually non-existent in Uruguay, he asked how the State party intended to remedy that situation. He also wished to know how the State party planned to ensure the effective participation of children with disabilities in the social life of the country and in recreational and cultural activities. He asked what assistance was provided to unaccompanied minors in Uruguay. He also wished to know of the State party's efforts to reduce the number of street children and to provide them with appropriate assistance. He would also like to know whether there were helplines in place to assist and offer guidance to children; whether the staff manning those helplines had received appropriate training; and how the staff manning those helplines coordinated with the police and social services in urgent cases.

51. **The Chairperson** said that the Committee had received reports that malnutrition and anaemia remained prevalent in Uruguay. She asked what measures the State party had taken to address those health issues. Noting with concern that the rate of teenage pregnancy remained high in Uruguay, she asked what efforts the State party was making to prevent pregnancy among teenage girls. She also asked what measures the State party had taken to curb the reportedly high rate of congenital syphilis and to prevent drug and alcohol abuse among adolescents.

52. **Ms. Oviedo Fierro** asked how the State party ensured the effective coordination of the different departments and directorates responsible for providing health-care services to children and adolescents. Noting that the State party's programme to promote adolescent health had come to an end, she asked whether a similar programme would be launched in the future. She also asked what psychosocial assistance was provided to teenage girls who decided to terminate a pregnancy and what the abortion rate among teenage girls was.

53. She commended the State party on having incorporated the International Code of Marketing of Breast-milk Substitutes into its domestic legislation but noted with concern that there was no mechanism in place to monitor the application of the Code. She asked whether the State party planned to introduce such a mechanism and whether health-care professionals received training on issues related to breastfeeding. She also asked whether

the recently adopted law granting working mothers additional leave for the purpose of breastfeeding a newborn child also applied to mothers working in the informal sector. Lastly, she requested additional information on the drug-related problems facing adolescents in Uruguay and on the steps taken to address them.

54. **The Chairperson** said that the school dropout rate in Uruguay was alarmingly high. She asked what measures the State party had taken to curb that phenomenon and to encourage children to pursue secondary education.

55. **Mr. Mezmur** asked whether the State party planned to devise a longer-term strategy to address the high dropout rate in secondary schools. He also wished to know who belonged to the minority and vulnerable groups mentioned in article 8 of the Education Act (Act No. 18437) concerning diversity and inclusive education, and how the State party monitored the application of that provision. He enquired as to how the State party ensured children's active participation in school life.

56. The Committee had received reports that psychotropic drugs were often used to treat behavioural disorders in children. He asked whether the State party had taken measures to reduce the use of those drugs and to promote alternative treatment for such disorders. Lastly, he asked whether there were sufficient budgetary resources to ensure the successful implementation of all the national plans and programmes adopted by the State party.

57. **Ms. Winter** asked how the State party ensured the effective coordination of the numerous programmes to assist street children and how many police officers had been brought to justice for having committed acts of violence against children or adolescents. According to statistics in the Committee's possession, the number of children placed in detention had almost doubled over the previous two years. A further cause for concern was the fact that recent legislative amendments had added to the number of crimes of which children could be convicted and that the Police Procedures Act appeared to undermine some of the guarantees provided to juvenile detainees. She invited the delegation to comment on the accuracy of those facts. Lastly, she asked how the State party planned to tackle the problem of overcrowding in prisons.

58. **Mr. Kotrane** asked whether the State party intended to limit the time that a juvenile could spend in pretrial detention or in police custody, and whether the guarantees provided for in the Convention and in general comment No. 10 on children's rights in juvenile justice were respected. He also wished to know whether the judges and prosecutors dealing with cases involving juvenile offenders received special training, and would like details of the programmes in place to help rehabilitate juvenile offenders when they were released from correctional facilities. He enquired about the factors driving the commercial exploitation of children in the State party and whether the labour inspectorate could intervene in cases where children were being made to perform hazardous work. He asked whether the State party had ratified the International Labour Organization (ILO) Labour Inspection Convention, 1947 (No. 81) or the ILO Domestic Workers Convention, 2011 (No. 189).

The meeting rose at 6 p.m.

United Nations CRC/C/SR.1953

Convention on the Rights of the Child

Distr.: General
30 January 2015

Original: English

Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1953rd (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Tuesday, 20 January 2015, at 10 a.m.

Chairperson: Ms. Sandberg

Contents

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Jamaica (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-00775 (E) 230115 300115

1500775

Please recycle

The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (continued)

Combined third and fourth periodic reports of Jamaica (continued) (CRC/C/JAM/3-4; CRC/C/JAM/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Jamaica took places at the Committee table.*

2. **Ms. Hanna** (Jamaica), responding to questions about children with disabilities raised at the 1951st meeting, said that a new National Strategic Plan for Early Childhood Development had been drawn up for 2014–2018. There were 1,539 children registered under the Early Stimulation Programme, of which 922 were from urban areas and 610 from rural areas. Around 70 per cent of those covered by the programme were from low-income families: they received grants ranging from 20,000 to 100,000 Jamaican dollars. A national community-based rehabilitation programme provided assistance to 396 children with disabilities across a number of urban and rural parishes, and non-governmental organizations (NGOs) also provided services for children with disabilities.

3. The Disability Act, adopted in October 2014, stipulated that all schools must be fully accessible for children with disabilities. NGOs had developed most of the existing teaching materials for children with disabilities, and several private sector stakeholders had provided funding for the construction of accessible buildings and the provision of suitable equipment. Efforts had been made to devise a harmonized and comprehensive national curriculum for children with disabilities, and teachers would receive in-depth training on its contents prior to its national launch. The primary school curriculum had been adapted to make provisions for children with mild disabilities, and the secondary school curriculum had been divided into three tracks to accommodate children's learning needs. The National Youth Service, responsible for providing training and work placements for adolescents aged 17 to 25, had reserved 10 per cent of all placements for young persons with disabilities.

4. **The Chairperson** asked whether the Government intended to include all of the 4,000 children with disabilities who were currently in special needs schools in mainstream education.

5. **Ms. Hanna** (Jamaica) said that the Government's aim was to do just that. Around 250 children with mild forms of disability had been placed in mainstream schools from 2012 to 2014. The Government had recently conducted a survey of the educational needs of children with disabilities in order to determine the amount of resources required to establish appropriate educational facilities in all parishes, particularly those in rural areas. Steps had also been taken under the Disability Act to provide appropriate training to teachers on accommodating children with different forms of disabilities in mainstream education.

6. As for sexual and reproductive health services in rural areas, health clinics had been established across the country. They provided primary health care for the local population, including children, as well as information and counselling on contraception and sexually transmitted diseases (STDs). Pregnant girls could access maternity care which was non-judgemental and adapted to their needs. Instances when pregnant girls or minors under the age of 16 had contracted STDs were reported to the relevant authorities for investigation. In regard to the higher rate of STDs among girls, particularly those from low-income families, steps had been taken to improve sexual and reproductive health education and provide assistance to disadvantaged families. There were also several public campaigns which aimed to provide information on contraceptive methods and deter young girls from entering prostitution. Furthermore, efforts had been made to reintegrate teenage mothers into school after they had given birth, and cases of teenage pregnancy were monitored to ensure that as many school-age mothers as possible completed their basic education.

7. Concerning children's mental health, she said that the overall rate of child suicide in Jamaica was extremely low, but the number of children displaying suicidal tendencies was a matter of concern. The Government, with the support of the United Nations Children's Fund (UNICEF), had conducted a study on child mental health in 2012 which had shown that 21 per cent of girls and 23 per cent of boys aged 13 to 15 had attempted to commit suicide or had experienced suicidal thoughts. The Ministry of Health had established a task force, responsible for addressing the high rates of children displaying suicidal tendencies, which had recommended the introduction of training for front-line medical staff, teachers and school counsellors to improve the identification of children at risk. In addition, the Government would shortly be introducing a specific programme to ensure that children and adolescents at risk of developing suicidal thoughts received prompt and effective support and pre-emptive treatment.

8. Lastly, in regard to the costs of secondary education, she said that children could enrol for free, but must pay any external examination fees. The Government had implemented safeguards under the Programme for Advancement through Health and Education to ensure that students from low-income families had equal access to secondary education and that no child was excluded from completing basic education owing to poverty. There was, however, still a national shortfall in the number of schools and classrooms required for the number of enrolled students. The shift system had been introduced to provide a temporary solution, but efforts were also under way to construct the additional schools and classrooms required to accommodate all students during the normal school day. There was no shortfall in the overall number of teachers in Jamaica, but there was a shortage of suitably qualified teachers in mathematics and the sciences. The Government had therefore introduced a number of in-service training courses to develop the skills of existing teaching staff and had stepped up its campaign to recruit suitably qualified teachers.

9. **The Chairperson** asked why girls could not attend mainstream school while pregnant and wished to know whether there was a negative perception of teenage mothers in the State party.

10. **Ms. Hanna** (Jamaica) said that Government policy stipulated that pregnant girls could not attend mainstream school while pregnant, but provisions had been made to ensure that all teenage mothers continued their education after giving birth. There was no negative perception of teenage mothers in Jamaica, and girls wishing to continue their education while pregnant could attend separate classes at the Women's Centre of Jamaica Foundation.

11. **Ms. Khazova** asked whether girls returning to school after giving birth were required to repeat the year they had missed.

12. **Ms. Hanna** (Jamaica) said that they were not required to do so. Responding to previous questions regarding the high number of homeless children working on the streets, she said that the Government had raised, from 13 to 15, the age at which children could perform light work in an effort to address that matter. It had also introduced a programme in cooperation with the International Labour Organization (ILO) to reduce children's exposure to hazardous or harmful employment and would be launching an in-depth study into child labour in 2015, with a focus on children living on the street. The Occupational Safety and Health Unit had reported no cases of child labour in the over 3,000 workplace inspections conducted in recent years and had organized several awareness-raising activities on child labour legislation for employers.

13. Referring to the measures and programmes in place to support children living on the streets and reintegrate them into the education system, she said that the police, in partnership with the Child Development Agency, were responsible for identifying and offering assistance to children living on the streets. The Possibility Programme had been

designed as a multi-agency initiative to reduce the number of children and adolescents living on the streets, particularly young men. Under the programme, around 693 young men had received assistance and 750 children had been offered skills training. Notwithstanding the significant progress made, the Government was aware that more needed to be done to address the problem of children living on the streets, particularly those children who repeatedly ran away from home.

14. **Ms. Aldoseri** (Country Rapporteur) asked whether children as well as young men living on the streets had access to skills training.

15. **Ms. Hanna** (Jamaica) confirmed that they did, under the Possibility Programme. The programme also provided for children to be temporarily placed in care centres, where their families were encouraged to visit and support their reintegration into family life.

16. **Mr. Gastaud** asked what steps had been taken to prevent children from repeatedly returning to live and work on the streets. He also wished to know whether orphans were placed in care or whether efforts were made to find other members of their families.

17. **Ms. Hanna** (Jamaica) said that the police worked in partnership with the Child Development Agency to ensure that the issues affecting children who repeatedly returned to live on the streets were adequately addressed. Children experiencing sexual or physical violence were placed in care and were not allowed to return to the family home until it had been established that they faced no future risks or threats. Most orphans were initially placed in one of a number of children's homes while efforts were made to locate and approach their families.

18. **Mr. Madi**, noting the recent raising of the age at which children could perform light work, asked whether, for the purposes of workplace inspections, labour inspectors considered a child to be a person under the age of 13 or 15. He also wished to know whether the 699 cases of child labour previously mentioned had been investigated under the Child Care and Protection Act and whether any sanctions had been brought against the respective employers.

19. **Ms. Hanna** (Jamaica) said that the Office of the Children's Registry had received anonymous reports of approximately 699 cases of child labour between 2007 and 2013 and had taken the requisite steps to investigate and act on those allegations.

20. Turning to the issue of rural to urban trafficking of children for the purposes of prostitution and sexual exploitation, she said that the national task force responsible for combating child trafficking had investigated 35 cases under the Trafficking in Persons Act, of which 5 had resulted in arrest. Since 2014, some 76 law enforcement officers had been trained in the identification and handling of child trafficking cases, and several housing facilities had been made available for rescued child trafficking victims. To date, the police had rescued around 23 victims and had brought charges against one perpetrator. In regard to cases of child pornography, the police had made two arrests, but no convictions had yet been handed down. There was an array of services designed to protect and support child trafficking victims and their families, including safe houses, identity protection programmes and specialized medical and psychological support.

21. As for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government had drafted its report, which was now under review prior to its submission to the Committee, as required, by March 2015. Jamaica had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2011 and would commence the drafting of its report in April 2015.

22. **The Chairperson** requested additional information on the steps taken to identify, monitor and investigate cases of rural to urban trafficking of children for the purposes of

prostitution and sexual exploitation. She also wished to know what had been done to prevent missing children from becoming victims of trafficking. How many of the 23 persons rescued from trafficking were children?

23. **Ms. Hanna** (Jamaica) said that the Government had established a number of data collection mechanisms to track the movement of children from rural to urban areas. According to various studies on missing children, the main reasons for the disappearance of a child were largely confined to family conflicts and domestic issues and had no link to trafficking. There had been very few cases of missing children becoming victims of trafficking in recent years; out of the 23 persons rescued from trafficking, only a small number were children.

24. In response to a question from **Mr. Gastaud** regarding transnational trafficking and people smuggling, she said that Jamaica was little affected, either as a country of destination or as a country of origin, but the threat was taken very seriously. The security services had all necessary checks and balances in place and bilateral cooperation agreements had been concluded with neighbouring countries.

25. **Ms. Aldoseri** asked whether the national plan of action on child labour had been adopted or was still in the drafting and review stage; what kinds of light work were permissible for persons aged 13 to 15 years; and whether the Occupational Safety and Health Act had been enacted.

26. **Ms. Hanna** (Jamaica) said that the light work generally consisted of non-hazardous retail or office work during holiday periods. Adolescents aged over 17 might also gain work experience through the National Youth Service or internships. Support for low-income and single-parent families was available through various schemes, including the Programme of Advancement Through Health and Education (PATH) and a system of disability grants, but there were no State-run day-care facilities.

27. The Occupational Safety and Health Act was still in draft form but was ready for submission to Cabinet, as was the review of the Children (Adoption of) Act. New adoption legislation would be drafted by the Chief Parliamentary Counsel once the required amendments had been agreed. Although adoption procedures had been streamlined and much of the historical backlog had been cleared, the process remained cumbersome and there were still around 40 cases pending. Adoptions usually took between 6 months and 1 year to complete; intrafamily adoptions were frequently concluded rapidly, while more complex adoptions involving newborn babies were often subject to delay. Prearranged adoptions were illegal; all prospective adopters were first required to contact the Child Development Agency.

28. Countering reports that foster care in Jamaica was underfunded and inadequately supported by the social services, she said that most children did well in foster families, with a number progressing into tertiary education. Foster families received annual educational grants as well as monthly stipends, and the children concerned were visited by their social workers at least every 6 months. Overall, the Government spent close to 1.7 billion Jamaican dollars annually on foster programmes, children's homes and other places of safety. Nonetheless, a task force led by the advisor on children's affairs was seeking ways to harness economies of scale that might free up more resources for foster families.

29. Providing clarification in response to a series of queries from **Ms. Muhamad Shariff** (Country Rapporteur), she explained that the aforementioned expenditure of 1.7 billion Jamaican dollars represented a monthly outlay of around 4,000 Jamaican dollars for each child in foster care and between 6,000 and 14,000 Jamaican dollars for each child in institutional care. Where justified, families might be granted additional funds, particularly if they were caring for more than one child. However, the authorities were anxious to prevent financial motivations from overriding others. As long as budget constraints precluded the

possibility of increasing the standard allowance, correcting inefficiencies and adding value would remain the main focus.

30. Special functions were organized and incentives and scholarships offered for children doing well in foster care and at school. In the event that a child failed to thrive in the foster environment, the Child Development Agency met with the family concerned and sought ways to provide remedial support. Lastly, in response to an earlier question, she said that reports that the authorities sometimes failed to find a place in a children's home or place of safety for children ruled by the courts to be at risk were unfounded.

31. **Ms. Keating** (Jamaica), updating the Committee on progress towards full implementation of the recommendations made in the 2003 report on the quality of care provided to wards of the State in Jamaica, said that 29 of the 46 recommendations — those which had required organizational change within the Child Development Agency — had been fully implemented. The 15 recommendations which had required changes in the strategic approach to childcare management were in varying stages of implementation. The recommendations related to the foster care programme and to taxation had not been implemented due to their financial implications.

32. Responding to a request from **Ms. Muhamad Shariff** for information about improvements made since the report's publication, she explained that the Child Development Agency's elevation to executive agency status had given it greater flexibility to take certain decisions without prior Government approval. The transfer of the child protection portfolio from the Ministry of Health to the Ministry of Youth and Culture had placed increased emphasis on childcare and protection policy and had improved efficiency and oversight in the operation of the Child Development Agency. The recent creation of a children's affairs division within the Ministry should contribute to further improvements.

33. **Ms. Hanna** (Jamaica), responding to a request from **Ms. Muhamad Shariff's** for details of the new case management system adopted in 2014 as a result of the recommendations just described, said that, whereas records had previously been maintained manually and there had been no cohesive strategy for coordination between the various stakeholder agencies, the movement of children through the care system would henceforth be tracked electronically from the moment of entry to exit. The system had been developed in line with best practices in Canada and should be fully operational by 2017.

34. In response to a further question from **Ms. Muhamad Shariff** about improvements affecting the residential care system, she said that key changes had included: the introduction of continuous staff training, mentoring programmes and enhanced physical security measures; infrastructure upgrades, including new dormitories; the establishment of a mobile therapy and counselling clinic which visited each home approximately once a month; and the adoption of more stringent compliance and licencing requirements. Overall, the review process had been both highly instructive and highly fruitful.

35. Answering a question from **Ms. Aldoseri** about incidents of institutional abuse of children, she said that the Government had adopted a zero-tolerance approach. Staff suspected of abuse were immediately suspended and all complaints were thoroughly investigated. If subsequently found to have been derelict in their duties, staff members were permanently removed from service. Fortunately there had been very few such incidents. Compensation had already been awarded to two families of children who had died while in institutional care, and the remaining cases were either pending before the courts or with the Attorney General's Department. The lockdown system judged partly to blame for the fatalities had been abandoned in favour of open facilities.

36. In response to a further question from **Ms. Aldoseri** regarding the separation of *juvenile offenders from children in need of care and protection*, she said that children with

behavioural difficulties were no longer placed in juvenile detention centres; instead, staff in children's homes received special training in how to deal with "uncontrollable" children.

The meeting was suspended at 11.40 a.m. and resumed at 12 p.m.

37. **Ms. Hanna** (Jamaica), responding to an earlier request for updated information on the National Child Diversion Policy, said that the Policy's numerous aims included: reducing the number of children who came into contact with the formal justice system; ensuring, in accordance with the principle of the best interests of the child, that institutionalization was a punishment of last resort only; preventing recidivism by reducing exposure to negative experiences of the formal justice system, which left children angry and resentful; minimizing the risk of children learning deviant behaviours and criminal practices while in custody; alleviating the case burden and backlog within the juvenile justice system; promoting restorative justice, rehabilitation and restitution; and reducing the stigma of labelling which sometimes afflicted children in conflict with the law, particularly at school.

38. While the policy was being rolled out nationwide, juveniles who committed minor offences would be referred to restorative justice mechanisms instead of facing prosecution and would be offered counselling and psychosocial support. Community service orders would be used in preference to custodial sentences. In most cases, decisions regarding whether or not to prosecute would be the preserve of police constables, who worked closely with the local community. It was hoped that the new system would change perceptions of the role of police constables so that they would come to be seen as sources of assistance and guidance as much as enforcers of the law.

39. Responding lastly to a question from **the Chairperson**, she said that a dedicated training programme for community constables was currently being piloted. The aim was to build up a skilled corps of trained constables as the programme was rolled out nationwide.

40. **Ms. Muhamad Shariff** asked whether there was a danger that constables might misuse the large amount of discretion they seemed to have.

41. **The Chairperson** asked what criteria or guidelines were to be used by constables in deciding whether children should be prosecuted and whether, once children had already been charged, they could be removed from the mainstream justice system to benefit from alternatives to detention.

42. **Ms. Herczog** asked whether restorative justice was practiced in schools, as an alternative to expulsion and suspension, and how the public had reacted to the diversion policy.

43. **Ms. Hanna** (Jamaica) pointed out that the policy had only recently been launched, so it was too early to gauge how it was perceived by the public. Several other programmes aimed at reducing violence and crime were being implemented, with encouraging results. The Safe School Programme had yielded a 53 per cent reduction in violence within schools; and the Unite for Change campaign had experimented with a curfew for children, monitored by members of the local community. Those and other schemes had contributed, in 2014, to a 25 per cent reduction in crime in certain areas.

44. **The Chairperson** recalled that a question had been raised on what was being done to stop children's recruitment in the informal labour market and to gather data about the practice.

45. **Ms. Hanna** (Jamaica) said that an ILO-funded study now under way would provide relevant data, including on the movement of children from rural to urban areas related to informal labour.

46. Strategies for raising children's awareness about the impact of climate change included instruction on the subject at all educational levels; beach cleaning and tree planting programmes had been organized to highlight the impact of climate change on people, the environment and natural resources. The Office of Disaster Preparedness and Emergency Management had developed protocols for protecting children in disaster situations. All schools and residential childcare facilities were required to train key personnel.

47. Responding to an earlier question about the relationship between lower adolescent crime rates and the abolition of the "uncontrollable behaviour" label, she said that there was no empirical evidence of a correlation between the two.

48. The Committee had apparently uncovered data, to which she herself was not privy, pointing to criminal activity directed against adolescents on a massive scale. She had alerted the Minister of National Security, who had agreed to look into the matter.

49. In answer to questions about children held in police cells, she said that the practice was legal in Jamaica, as in many other countries. She was informed every week about the number of children being held in police lock-ups, which usually ranged from about 15 to 21. Children under 12 were never held in police lock-ups, as the Child Development Agency took charge of them immediately. Her country recognized that detention of juveniles in police cells was not ideal. The key priorities were to avoid detaining children with adults and to use child-friendly facilities where possible, particularly if children were being held for their own protection, rather than on a criminal charge. Five police stations were currently being equipped with child-friendly facilities: the aim was to have one in each parish. Even where detention was necessary, such as when a child was suspected of a major crime, the objective was for the child to appear before a judge within 48 hours. Any child ordered by a judge to remain in remand longer than 48 hours had to be placed in a child-friendly facility.

50. **The Chairperson** welcomed the fact that children were not, in practice, sentenced to death or life imprisonment, and asked whether either or both were prohibited by law.

51. **Ms. Hanna** (Jamaica), quoting section 78 of the Child Care and Protection Act, said that the death sentence for children was banned but that life imprisonment was still possible under the law.

52. Turning to the questions on gang violence, she said that a range of measures had been taken to deal with it, including the formation of an anti-gang unit, a strategy to curtail the sale of firearms, legislation to deny gangs access to firearms and to the proceeds of crime and the introduction of stricter border controls and vehicle searches. There was no evidence that gangs were retaliating against former gang members or the State.

53. One suicide had been recorded to date in the juvenile correctional system. A suicide and self-harm prevention policy was now operational; the Department of Correctional Services provided children in its care with counselling where required; and over 400 Department staff had been trained to detect, manage and respond to suicidal tendencies.

54. More than 4,000 children were currently in State care in the 51 children's homes, places of safety and foster care facilities nationwide. The Government was taking measures to improve their experience of care, including by: training staff; arranging for US$ 1.38 million to be provided in support of girls preparing to leave State care; launching an inquiry into any harm allegedly inflicted on a child in State care and punishing the perpetrators; and maintaining a 24-hour telephone helpline and online equivalents to allow children to complain of mistreatment.

55. On the question of access to reproductive health services, she said that parental consent was required for children under 16 to be provided with contraceptives. The

provision by health-care professionals of contraceptives could be viewed, under the Sexual Offences Act, as aiding and abetting a minor. The effect, however, was to deny minors access to reproductive health-care services. A government paper looking at the issues involved and how to exempt health-care professionals from potential prosecution was soon to be considered by Cabinet.

56. **The Chairperson** asked what steps were being taken to combat discrimination against children with HIV/AIDS, children with disabilities and LGBT children.

57. **Ms. Hanna** (Jamaica) said that such discrimination was discouraged in schools; in the past 10 years improvements had been made with regard to discrimination against those with HIV/AIDS; the Ministry of Transport was considering ways to reduce abuse towards disabled people on public transport; and the channels of communication between LGBT groups and the Government were open.

58. **Ms. Khazova** asked why the incidence of breastfeeding in Jamaica was so low and whether reports that employers did not allow mothers breaks at work to breastfeed were true.

59. **Ms. Hanna** (Jamaica) said that Jamaica had been one of the first countries to pass legislation entitling mothers to maternity leave with pay. Breastfeeding was encouraged, and hospitals had run relevant information campaigns.

60. Responding to a question on birth registration, she said that a systematic programme was in operation to register those without birth certificates. That was important, as proof of registration was needed to access a place at school.

61. **Ms. Aldoseri** (Country Rapporteur) said that she was grateful to the delegation for its replies. She welcomed the amount of legislation enacted on children's rights and would look forward to evidence of the impact of that legislation, once implemented. Many questions had remained partially unanswered. Violence against children still needed to be addressed urgently: anti-violence legislation should be more precisely drafted and more rigorously enforced; families, schools and other relevant actors must be involved more fully. The Committee was also looking forward to the State party's initial reports under two of the Optional Protocols to the Convention, and encouraged Jamaica to ratify the Optional Protocol on a communications procedure as well.

62. **Ms. Hanna** (Jamaica) thanked the Committee for the opportunity to engage in a dialogue which was going to become an ongoing process.

The meeting rose at 1 p.m.